

Minnesota Board of Pharmacy

SEVEN HUNDRED AND THIRTY-FIFTH MEETING

At approximately 8:00 a.m., January 9, 2001, the Board of Pharmacy met at the Minneapolis Convention Center in Minneapolis, Minnesota, for the purpose of administering a Written Practical Examination in prescription compounding, errors and omissions, and patient counseling. All members of the Board, with the exception of Ms. Jean Lemberg, were in attendance. Also in attendance were the Board's Executive Director, Mr. David Holmstrom, and the Board's Pharmacy Surveyors, Mr. Stuart Vandenberg, Mr. Leslie Kotek, Mr. Byron Opstad, Ms. Candice Fleming, and Ms. Michele Boock.

The following candidates, who have met all of the required prerequisites and who have presented properly executed applications, were present to write the examination administered as part of the Full Board Examination process:

**BASMA A. ABD EL-RAHMAN
MOHAMED A. ABOU-KARAM
CHRISTINE L. BOTTEMA
MOHAMED NAGI A. EL-BASUONY
HAIYAN LI
MINH V. NGUYEN
TRANG D. NGUYEN
SARA J. OLSON**

**KIMBERLY R. PATTERSON
BRENT E. PENNER
JOHNNIE D. REGLOS
MARGARET B. ROSBOLT
SAMUEL WAGNER
LONG YANG
NORA Y. YANG**

The following retake candidates were also present to write the examination:

**KENT W. HERRMEYER
LISA D. INGE
CHRISTOPHER M. MCDONOUGH**

**KIERSTEN M. MILLER
MICHAEL G. NOTKIN
SLADE A. SIVERSON**

At approximately 8:30 a.m., January 10, 2001, the Board met in Conference Room A, at the University Park Plaza, 2829 University Avenue Southeast, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. All members of the Board were in attendance. Also in attendance was the Board's newly appointed Board Member, Mr. Tom Dickson, the Board's Legal Counsel, Mr. Robert Holley, and the Board's Executive Director, Mr. David Holmstrom.

After reviewing, amending, and approving the agenda for this meeting, the Board addressed the minutes of the meeting of December 6, 2000. After identifying a typographical error on page 6 of the Minutes, Mr. Carl Benson moved and Ms. Carol Peterson seconded that the Minutes of the meeting of December 6, 2000, be approved as amended. The motion passed.

The Board next turned its attention to the election of officers for the coming year. For the Office of President, Ms. Jean Lemberg moved to nominate Mr. Carl Benson. Ms. Carol Peterson seconded the nomination. There being no further nominations, the nominations were closed and Mr. Benson was elected to the Office of President by a unanimous ballot.

For the Office of Vice President, Ms. Carol Peterson moved to nominate Ms. Jean Lemberg. Mr. Vern Kassekert seconded the nomination. There being no further nominations, the nominations were closed and Ms. Lemberg was elected to the Office of Vice President by a unanimous ballot.

For the position of Executive Director, Mr. Carl Benson moved that Mr. David Holmstrom be continued as the Executive Director of the Board of Pharmacy. Mr. Chuck Cooper seconded the motion. There being no further nominations, the nominations were closed and Mr. Holmstrom was elected to continue as Executive Director by a unanimous ballot.

For the position of Assistant Director for Administrative Affairs, Mr. Carl Benson moved that Ms. Patricia Eggers be continued as the Assistant Director for Administrative Affairs. Mr. Chuck Cooper seconded the nomination. There being no further nominations, the nominations were closed and Ms. Eggers was elected to the position of Assistant Director for Administrative Affairs by a unanimous ballot.

At this time, Mr. Don Gibson turned over the presidency of the Board to Mr. Benson. Mr. Benson assumed the position of President, recognized the service to the Board by Mr. Gibson, and welcomed Mr. Tom Dickson to the Board as a replacement for Mr. Gibson, whose term is now at an end.

The next item to come before the Board was the issue of continued membership in the National Association of Boards of Pharmacy. After a brief review of the many benefits derived from membership in NABP, including participation in the nation-wide reciprocity system of license transfer, established through NABP, the availability of the nationally-utilized NAPLEX and Multistate Pharmacy Jurisprudence Examination, and participation in the National Disciplinary Clearinghouse, Mr. Chuck Cooper moved and Ms. Betty Johnson seconded that the Board again renew its membership in NABP. The motion passed.

The Board next discussed its intention to maintain the requirement of graduation from an approved college of pharmacy in order to qualify to take the Board's licensing examination. Ms. Betty Johnson then moved and Mr. Vern Kassekert seconded that the Board approve and adopt, as its own, the current accreditation standards of the American Council on Pharmaceutical Education, and the current accreditation standards of the Canadian Council for Accreditation of Pharmacy Programs; and that the Board adopt the lists of approved colleges of pharmacy, published by ACPE and, when the curriculum is taught in English, by CCAPP, as the list of colleges from which the Board will accept graduates as candidates for licensure. The colleges, so listed, have proven their compliance with the above-mentioned accreditation standards. The motion passed.

The Board next discussed its intention to accept, as candidates for licensure, foreign pharmacy graduates who have met the required English Proficiency Standards and Equivalency of Education Standards, established in Minnesota Statutes 151.10, Subdivision 2. These candidates have been examined and certified by the Foreign Pharmacy Graduate Examination Commission. Mr. Chuck Cooper then moved and Ms. Carol Peterson seconded that the Board approve and adopt, as its own, those standards for certification established by the Foreign Pharmacy Graduate Examination Commission, and accept, as meeting those standards, only

those graduates who have been properly certified by the Foreign Pharmacy Graduate Examination Commission. The motion passed.

President Benson now began a discussion of appointments to the Board's standing committees. The following appointments were made for the year 2001:

- A) Continuing Education Advisory Task Force (Stu Vandenberg and Vern Kassekert)
- B) Internship (Chuck Cooper and Don Gibson)
- C) Examination (all pharmacist members)
- D) Rules and Legislation (Carl Benson, Chuck Cooper, Vern Kassekert, Betty Johnson, Jean Lemberg, Carol Peterson, and Tom Dickson)
- E) Committee on Professional Standards (Carl Benson and Carol Peterson, with Jean Lemberg as alternate)
- F) Health Professionals Services Program (Vern Kassekert, with Donald Gibson as alternate)
- G) Counsel of Health Boards (Chuck Cooper and David Holmstrom)

The Board next turned its attention to applications to conduct new pharmacies it has received since its last meeting. The first application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Children's Hospital and Clinic Pharmacy in St. Paul, Minnesota, by Ms. Ruth Ann Johnson, Pharmacist-in-Charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, Mr. Chuck Cooper moved and Mr. Tom Dickson seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with Pharmacy Board rules dealing with licensure. The motion passed.

The second application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Cub Pharmacy in Grand Rapids, Minnesota, by Ms. Lynn Robinson, District Manager. After carefully reviewing this application, and the diagram of the proposed pharmacy, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with Pharmacy Board rules dealing with licensure, and subject also to the naming of a permanent pharmacist-in-charge for the pharmacy. The motion passed.

The third application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Walgreens Pharmacy in Shakopee, Minnesota, by Mr. Harry Argetsinger, Pharmacist-in-Charge. After carefully reviewing this application, and the diagram of the proposed pharmacy, Ms. Betty Johnson moved and Ms. Carol Peterson seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with Pharmacy Board rules dealing with licensure. The motion passed.

Mr. Holmstrom next presented to the Board a plan for the remodeling of the pharmacy at Lakeview Memorial Hospital in Two Harbors, Minnesota. The remodeling plan calls for increasing the size of the pharmacy from its current 85 square feet, to approximately 142 square feet. No plans for an area dedicated to IV admixture preparations, however, were included in the plan. After duly discussing the proposed remodeling of Lakeview Memorial Hospital Pharmacy, and discussing whether the Board's action to grandfather the exiting pharmacy at Lakeview Memorial, even though it does not meet the Board's 250 square foot requirement, and whether the Board can now impose the 250 square foot requirement with the Board's Attorney Mr. Robert Holley, the Board acted to accept the remodeling proposal, but directed Mr. Holmstrom to express the Board's concern regarding the low level of pharmacy services being provided at Lakeview Memorial Hospital, and the apparent lack of a provision for a sterile hood in the hospital.

The Board next turned its attention to matters of a quasi-judicial nature. The first item of a quasi-judicial nature to come before the Board was the presentation, by Mr. Robert Holley, Legal Counsel for the Board, of a proposed stipulation and order in the matter of the pharmacist license of Mr. Robert E. Williams. The stipulation was developed subsequent to a conference held December 13, 2000 with Mr. Williams, to discuss allegations of unprofessional conduct. The stipulation has been agreed to and signed by Mr. Williams. Mr. Williams, now personally, appeared before the Board to discuss the proposed stipulation and order. After discussing the proposal with Mr. Williams, Ms. Carol Peterson moved and Mr. Chuck Cooper seconded that the Board accept the stipulation and order as proposed, and that Mr. Holmstrom be directed to sign the stipulation and order on the Board's behalf. The motion passed.

At this time, Mr. Jerry Edwards, representing Snyder Drug Pharmacies, Ms. Annette Henkel, and Mr. Matt Lembke, representing the Minnesota Retail Merchants Association, and Ms. Mary Evans, representing the Minnesota Pharmacists Association, appeared before the Board to discuss a pharmacy practice issue, for which a change in the Board's rule was being recommended. At the conclusion of the presentation, by the above-named individuals, the Board took the position that it endorses the concept of meal breaks for pharmacists and will include the issue in the Board's next rule revision package. The Board also took the position that it endorses the concept of standardized prescription cards, to relieve pharmacists of wasted time spent dealing with insurance issues, so that pharmacists can better deal with patient-oriented issues.

At this time, Ms. Audrey Neely, Mike Simko, and Kelly Beaudin, from the Walgreen's Corporation, appeared before the Board to discuss the operation of Walgreen's Central Fill Pharmacy, and to request an extension of the Board's approval for the continued operation of the facility.

At the conclusion of the discussions with the Walgreen representatives, Mr. Chuck Cooper moved and Ms. Jean Lemberg seconded that the Board authorize the continued operation of Walgreen's Central Fill Pharmacy for an additional one-year period of time. Motion passed.

The Board next discussed information regarding the NABP Annual Meeting scheduled for May 5 - 9, 2001, in Seattle, Washington. After discussing the value of attending NABP meetings and networking with counterparts in other states, Ms. Jean Lemberg moved and Ms. Betty Johnson seconded that all Board members and the Board's Executive Director be authorized to attend the NABP Meeting at Board expense. The motion passed.

Mr. Carl Benson then led a discussion of the issue of mandatory tablet splitting being imposed on pharmacists by third-party insurance programs and the Minnesota Department of Human Services. After discussing the dangers to public health in requiring pharmacists to split tablets in order to obtain reimbursement, the Board went on record as opposing mandatory tablet-splitting requirements imposed by third-party payers and took the position that the splitting of manufactured dosage units should be left completely at the professional judgment of the pharmacist, after consultation with the patient and/or prescriber.

The Board next entered into a discussion regarding the tentative dates for the June 2001, Board examination. After discussing the problems with obtaining examination rooms at the Minneapolis Convention Center for the dates originally selected, the Board acted to establish Wednesday, June 13th, as the date for the June Board examination, and Thursday, June 14th, as the date for the Board meeting. The Board's Committee on Professional Standards will meet on Tuesday, June 12th.

The Board next established dates for the Board examination in January of 2002. The Board tentatively identified Tuesday, January 8th, as the date for the Board examination, with Wednesday, January 9th, identified as the date for the Board meeting, in January of 2002. The Board's Committee on Professional Standards would then meet on Monday, January 7, 2002.

The Board next addressed itself to the performance of the candidates for licensure by reciprocity who have taken the Reciprocity/Jurisprudence Exam since the Board's last meeting. After a thorough review of the performance of the candidates for licensure by reciprocity, Ms. Betty Johnson moved and Mr. Vern Kassekert seconded that having passed the Jurisprudence Examination required of candidates for licensure by reciprocity, the following candidates be granted such licensure based on their current license to practice in the state listed with their name:

CERTIFICATE #	NAME	STATE OF ORIGINAL LICENSURE
7736	VIRGINIA LYNN GLEN	KS
7737	CARRIE ANNE NELSON	IA
7738	HAROLD WAYNE CLEVELAND	OK
7739	MELISSA ANNETTE DIRKS	WA
7740	WANDA YVONNE FOLEY	IN
7743	RANDOLPH ALLEN HARROP	WY
7744	MINDI SUE PIRKL	AZ

The Board next turned its attention to the performance of the candidates for licensure by examination, who have now successfully completed all parts of the June 2000 Board Examination. For Full Board Examination candidates, the Board determined that in grading the examination, the NAPLEX portion of the exam would be weighted at 65% of the total, the Board's Practical Examination portion at 20% of the total, and the Multistate Pharmacy Jurisprudence Examination weighted at 15% of the total, and that the minimum passing score on each of those parts, as well as the minimum overall score, would be 75. With the passing level thus established, Ms. Carol Peterson moved and Mr. Vern Kassekert seconded that the following candidates be granted licensure as pharmacists.

NAME	CERTIFICATE #	REGISTRATION #
JENNIFER DAWN IFILL	7745	117156-9
NICOLE K. KRUGER	7742	117153-0
CHANTAL ADAM YAZBECK	7741	117152-7

At this time, Mr. Todd Sorenson, a faculty member at the University of Minnesota College of Pharmacy, and two pharmacy students, Ms. Christy Bartels and Ms. Laura Borstad, appeared before the Board to discuss the pilot project, involving a cooperative effort between pharmacy students and nursing students at the University of Minnesota, to provide influenza immunizations to faculty and staff in the Health Sciences Complex of the University of Minnesota, and to residents in Pioneer Hall Dormitory at the University of Minnesota. After receiving the report from the students, the Board congratulated them on their successful demonstration project.

At this time, Mr. John Choi and Mr. K. S. Regan, representing Carter Wallace Laboratories, appeared before the Board to discuss the inclusion of Carisoprodol as a controlled substance under Minnesota law, and some proposed language which would tie the scheduling of Carisoprodol in Minnesota to action taken by DEA to schedule the substance at the federal level. After hearing from Mr. Choi and Mr. Regan, Mr. Vern Kassekert moved and Mr. Tom Dickson seconded that the Board support the legislative proposal made by Mr. Choi. The motion passed.

At this time, Mr. Jeff Lindoo, previously a Board of Pharmacy Member, appeared before the Board to discuss prescription-filling processes that have evolved in the long-term care/assisted-living communities. Specifically, the issue involved information provided on medication orders for assisted-living and long-term care facility residents, and the "cycle flows" that have been established by pharmacies specializing in nursing home practice.

After discussing the various issues associated with this type of pharmacy practice, Mr. Lindoo indicated that he will talk to other pharmacists involved in providing pharmacy services to long-term care facilities and assisted-living facilities regarding the concerns raised by the Board, and will report back to the Board.

The Board next reviewed a letter it received from Mr. Freeman Mjolsness. Mr. Mjolsness is a 62-year-old retired pharmacist licensed in North Dakota, who has not practiced since 1996. Mr. Mjolsness is now exploring the possibility of licensure by reciprocity in Minnesota, and is requesting that the Board waive the Practical Examination required of reciprocity candidates who have not been in active pharmacy practice in the two years immediately preceding their reciprocity. After a brief discussion, Mr. Vern Kassekert moved and Ms. Jean Lemberg seconded the Board deny Mr. Mjolsness' request, and require him to take and successfully pass the Board's Practical Examination, if he desires to become licensed in Minnesota by reciprocity. The motion passed.

The Board next considered a letter it received from Ms. Helen Peterson. Ms. Peterson is requesting an opportunity to renew her license to practice pharmacy in Minnesota, even though she has not yet completed her continuing education, which was due October 1, 2000. After reviewing Ms. Peterson's letter, Ms. Betty Johnson moved and Mr. Chuck Cooper seconded that the Board deny Ms. Peterson's request and that Mr. Holmstrom be directed to inform Ms. Peterson that the Board will renew her license to practice in Minnesota when she has completed her continuing education. The motion passed.

The Board next turned its attention to the review of variance requests that have been submitted to the Board since its last meeting. The Board first addressed itself to new variance requests receiving their first reading. The first such request was submitted on behalf of District One Hospital Pharmacy in Faribault, Minnesota, by Ms. Teresa Stern, Pharmacist-in-Charge. After reviewing Ms. Stern's request, Ms. Betty Johnson moved and Mr. Vern Kassekert seconded that the Board suspend its policy requiring two readings for variance requests, and consider the request immediately. The motion passed.

Ms. Stern is requesting a variance that would allow her to oversee both the District One Hospital Pharmacy in Faribault and the District One Community Pharmacy in Faribault, and to utilize pharmacy technicians in the ratio of three technicians to one pharmacist until additional pharmacy staff can be hired. After discussing Ms. Stern's request, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that the Board grant the variances requested by Ms. Stern for a three-month period of time. The motion passed.

The next request for a variance was submitted on behalf of Mayo Hospital Pharmacy Services by Mr. Kevin Dillon, Director; Ms. Karen Bergrud, Pharmacist-in-Charge of Rochester Methodist Hospital; and Mr. Rich Streit, Pharmacist-in-Charge of Rochester's St. Marys Hospital. These individuals are requesting a variance, which would allow two registered pharmacy technicians to waste, and witness, excess controlled substances returned to the pharmacy from anesthesiology. In keeping with its established policy of requiring two readings for variance requests, the Board took this request under consideration and will give it its second reading at the Board's meeting of March 7, 2001.

The next request for a variance to receive its first reading was submitted on behalf of Moorhead State University Hendrix Health Center Pharmacy, submitted by Ms. Mary Stende, Pharmacist-in-Charge. In addition to an extension of a previously granted variance, relating to the size of the pharmacy, Ms. Stende is requesting a new variance relating to the requirement for having a prescription balance and weights at the pharmacy. In keeping with its previously established policy of requiring two readings of all variance requests, the Board took this request under consideration and will give it its second reading at the Board's meeting of March 7, 2001.

The next request for a variance to receive its first reading was submitted on behalf of Omnicare – Minnesota Pharmacy, by Ms. Jill Hutchinson, Pharmacist-in-Charge. Ms. Hutchinson is requesting a variance, which would allow Omnicare – Minnesota Pharmacy to accept returns from assisted-living facilities following the same guidelines as they have in place for skilled-nursing facilities. In keeping with the previously established policy of requiring two readings for all variance requests, the Board took this request under consideration and will give it its second reading at the Board's meeting of March 7, 2001.

The Board next turned its attention to requests for new variances receiving their second readings. The first such variance request was submitted on behalf of Hennepin County Medical Center One North Pharmacy, by Mr. Gary Matson, Ambulatory Pharmacy Services Manager. When the Board took up this variance request, Mr. Chuck Cooper absented himself from the room, due to potential conflict of interest. After reviewing Mr. Matson's request that a pharmacy technician located at the One North Pharmacy not be counted in the ratio of technicians to pharmacists at One North, due to the fact that the technician is assigned the responsibility for the preparation of prescriptions for Health Assessment Promotion clinic, Mr. Vern Kassekert moved and Ms. Betty Johnson seconded that the variance requested by Mr. Matson be approved for a one-year period of time. The motion passed, with Mr. Cooper abstaining.

The next request for a new variance receiving its second reading was submitted on behalf of MeritCare EGF Pharmacy in East Grand Forks, Minnesota, by Ms. Lori Bommersbach, Pharmacist-in-Charge. Ms. Bommersbach and Ms. Susan Schnase, Out-Patient Pharmacy Manager of MeritCare Health System, requested a variance that would allow the MeritCare East Grand Forks Pharmacy to store sample medications in the pharmacy on behalf of physicians in affiliated clinics. After, again, discussing this request, Ms. Betty Johnson moved and Ms. Carol Peterson seconded that the variance be approved for a one-year period of time.

The final request for a new variance receiving its second reading was submitted on behalf of Rochester Methodist Hospital Pharmacy, by Ms. Karen Bergrud, Pharmacist-in-Charge. Ms. Bergrud is requesting a variance that would allow them to expand their existing tech-check-tech program to include technicians checking technicians who are replenishing the medication stock of the hospital's Pyxis machines. After, again, reviewing Ms. Bergrud's request, and reviewing an evaluation made by Pharmacy Board Surveyors Candice Fleming and Stuart Vandenberg, the Board determined that the bar code scanning replenishment system, used in the hospital, falls within the Board's automated distribution guidelines for fail-safe automated replenishment systems; therefore, an expansion of Rochester Methodist Hospital's tech-check-tech policy was neither needed, nor appropriate. The Board directed Mr. Holmstrom to communicate this position to Ms. Bergrud.

The Board next turned its attention to requests for extensions of the previously granted variances receiving their first reading. The first, and only, such request was submitted on behalf of Target Pharmacy in Edina, Minnesota, by Mr. Jack Berttula, Pharmacist-in-Charge. Mr. Berttula is requesting an extension of a previously granted variance relating to the checking of the original container from which medication is withdrawn during prescription filling conducted by Target pharmacists. In keeping with its policy of two readings for variance requests, the Board took this request under consideration and will give it its second reading at the Board's meeting of March 7, 2001. In the meantime, the Board directed Mr. Holmstrom to contact Mr. Berttula and request additional information regarding dispensing errors made by Target pharmacists using the new certification process during the past year.

Mr. Chuck Cooper had now led a discussion of work being done to assess the vulnerability of the Minneapolis/St. Paul area to bio-terrorism and the role that the Board of Pharmacy may have to play in the event of a terrorist attack.

Ms. Jean Lemberg then led a discussion on dispensing errors and the role that telephone orders play in prescription dispensing problems.

Mr. Holmstrom next described for the Board several areas where rule changes or statutory changes are needed. Mr. Benson then identified Wednesday, January 31st, from 1:00 p.m. to 3:00 p.m., as a scheduled time for the Board's Rules and Legislation Committee to meet to identify rules, which need to be updated.

Mr. Holmstrom next presented to the Board a letter from Mr. Harvey Buchholz, a Minnesota licensed pharmacist, who is inquiring about the procedure he would need to follow to renew his license to practice in Minnesota, which he did on "emeritus" status, during March of 1999. After discussing Mr. Buchholz's situation, Ms. Betty Johnson moved and Mr. Vern Kassekert seconded that the Board establish a policy of requiring completion of any back continuing education and the payment of any back fees with late fees, on the part of pharmacists who wish to regain active status, after having placed their license on "emeritus" status. The motion passed.

There being no further business requiring formal action by the Board, at this time, President Benson adjourned the meeting at approximately 4:40 p.m.

PRESIDENT

EXECUTIVE DIRECTOR